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3 **IN THE UNITED STATES DISTRICT COURT**

4 **FOR THE DISTRICT OF ARIZONA**

5 **IN RE BARD IVC FILTERS**
6 **PRODUCTS LIABILITY LITIGATION**

No. MD-15-02641-PHX-DGC

7 **MASTER SHORT FORM COMPLAINT**
FOR DAMAGES FOR INDIVIDUAL
CLAIMS

8 Plaintiff(s) named below, for their Complaint against Defendants named below,
9 incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc # 364).

10 Plaintiff(s) further show the Court as follows:

- 11 1. Plaintiff/Deceased Party: PAMELA JEAN CALDWELL
12
13 2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of
14 consortium claim:
15 _____
16 3. Other Plaintiff and capacity (i.e., administrator, executor, guardian,
17 conservator):
18 _____
19 4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at
20 the time of implant: TENNESSEE
21 _____
22

1 5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at
2 the time of injury:

3 _____
4 6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:
5 TENNESSEE
6 _____

7 7. District Court and Division in which venue would be proper absent direct filing:
8 UNITED STATES EASTERN DISTRICT COURT, KNOXVILLE TN

9 8. Defendants (check Defendants against whom Complaint is made):

10 ☒ C.R. Bard Inc.

11 ☒ Bard Peripheral Vascular, Inc.

12 9. Basis of Jurisdiction:

13 ☒ Diversity of Citizenship

14 ☐ Other: _____

15 a. Other allegations of jurisdiction and venue not expressed in Master
16 Complaint:
17 _____
18 _____
19 _____

20 10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a
21 claim (Check applicable Inferior Vena Cava Filter(s)):

22 ☐ Recovery[®] Vena Cava Filter

☐ G2[®] Vena Cava Filter

☐ G2[®] Express (G2[®]X) Vena Cava Filter

☐ Eclipse[®] Vena Cava Filter

☐ Meridian[®] Vena Cava Filter

☒ Denali[®] Vena Cava Filter

☐ Other: _____

11. Date of Implantation as to each product: September 16, 2015

12. Counts in the Master Complaint brought by Plaintiff(s):

☒ Count IV: Negligence - Design

☒ Count V: Negligence - Manufacture

☒ Count VI: Negligence – Failure to Recall/Retrofit

☒ Count VII: Negligence – Failure to Warn

☒ Count VIII: Negligent Misrepresentation

☒ Count IX: Negligence *Per Se*

☒ Count X: Breach of Express Warranty

☒ Count XI: Breach of Implied Warranty

☒ Count XII: Fraudulent Misrepresentation

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- ☒ Count XIII: Fraudulent Concealment
- ☒ Count XIV: Violations of Applicable TENNESSEE (insert state)
Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade
Practices
- ☐ Count XV: Loss of Consortium
- ☐ Count XVI: Wrongful Death
- ☐ Count XVII: Survival
- ☐ Punitive Damages
- ☐ Other(s): _____ (please state the facts supporting
this Count in the space immediately below)

RESPECTFULLY SUBMITTED this 15th day of September, 2016.

EXCOLO LAW, PLLC

By 

Keith L. Altman

Excolo Law

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Attorneys for Plaintiffs

I hereby certify that on this 15th day of September 2016, I mailed this document to the Clerk's Office via UPS overnight service for filing.

By 

Keith L. Altman